

2008 ANNUAL CASELOAD STATISTICS OF THE  
MONTANA SUPREME COURT

Compiled  
by:

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## **2008 FILINGS OVERVIEW REPORT**

### ***I. 2008 Caseload Overview:\****

New Civil Cases	458
Direct Civil Appeals: 315	
Original Proceedings: 135	
Disciplinary Cases: 8	
 New Criminal Filings	140
(All Direct Appeals)	
 <u>Total New Case Filings:</u>	<u>598</u>

### ***II. 2008 Administrative Filings Overview:***

Administrative Files:	2
Professional Regulation (Non-Disciplinary):	5

### ***III. Preliminary Appeals:\*\**** 51

**TOTAL MATTERS DOCKETED: 656**

\*Caseload numbers reflect original proceedings, attorney disciplinary proceedings, and direct appeals in which the briefing schedule initiated. Reported in this fashion, these numbers remain in concert with the numbers historically reflected in this report.

\*\* This number reflects appeals which had been assigned a Supreme Court case number but where the appeal had not yet reached the briefing schedule by the end of the reporting period. Excluding this number from the caseload overview ensures the caseload numbers remain in concert with the numbers historically reflected.

Statistics compiled by the Office of the Clerk of the Supreme Court

2008 - SUMMARY OF MAJOR STATISTICAL CATEGORIES

Summary of the major statistical categories relating to the Supreme Court Caseload in the Year 2008:

Total number of notices of appeal filed:	506
Total number of appeals sent to mediation:	204
Total number of successfully mediated appeals:	43
Total new case filings:	649
Direct Appeal:	506
Civil Appeals:	350
Criminal Appeals:	156
Original Proceedings:	135
Disciplinary Cases:	8
Total number of Pro Se cases:	184
Total number of opinions issued:	465
Noncite opinions:	12
Noncite memorandum opinions:	111
Total number of cases closed:	783
Total number of pending cases carried over into 2009:	553

Statistics compiled by the Office of the Clerk of the Supreme Court

### ANNUAL CASELOAD COMPARISON REPORT

Below is a summary comparison of the major statistical categories relating to the Supreme Court Caseload between the years 2007 and 2008.

	2007	2008	Percentage Difference
Total notices of appeals filed:	600	506	- 15.66 %
Total number of appeals reaching briefing:	525	455	- 13.33 %
Total number of appeals sent to mediation:	188	204	+ 8.51 %
Total number of successfully mediated appeals:	39	43	+ 10.25 %
Total new case filings:	751	649	- 13.58 %
Direct Appeal:	600	506	-15.66 %
Original Proceedings:	130	135	+ 3.84 %
Disciplinary Cases:	21	8	-61.90 %
Total number of Pro Se cases:	193	184	- 4.66 %
Total number of opinions issued:	358	465	+ 29.88 %
Total number of cases closed:	713	783	+ 9.81 %
Total number of pending cases carried over:	694	553	- 20.31%

2008 CASELOAD DISPOSITIONS REPORT

I 2008 OVERVIEW

Dispositions by Opinion/Remittitur in 2008	429
Dispositions of Appeals by Dismissal	204
Civil Appeals: 142	
Criminal Appeals: 62	
Dispositions - Writ Denied	104
Dispositions - Writ Granted	12
Dispositions - Writ Dismissed	7
Dispositions - Other	11
Civil Appeals: 2	
Criminal Appeals: 5	
Original Proceedings: 4	
Dispositions – Disciplinary Cases:	16
Attorney Disciplinary: 15	
Judge Disciplinary: 1	
<b>TOTAL DISPOSITIONS:</b>	<b><u>783</u></b>

OPINION OVERVIEW REPORT 2002-2008

2002

TOTAL OPINIONS ISSUED: 353

DISPOSITION TYPE:

Affirmed: 220  
Reversed: 82  
Affirmed & Reversed: 34  
Other: 17

Affirmed: 283

Reversed: 31

Affirmed & Reversed: 25

Other: 10

2003

TOTAL OPINIONS ISSUED: 377

DISPOSITION TYPE:

Affirmed: 255  
Reversed: 67  
Affirmed & Reversed: 29  
Other: 26

2006

TOTAL OPINIONS ISSUED: 352

DISPOSITION TYPE:

Affirmed: 245

Reversed: 51

Affirmed & Reversed: 27

Other: 29

2004

TOTAL OPINIONS ISSUED: 395

DISPOSITION TYPE:

Affirmed: 265  
Reversed: 58  
Affirmed & Reversed: 50  
Other: 22

2007

TOTAL OPINIONS ISSUED: 358

DISPOSITION TYPE:

Affirmed: 253

Reversed: 53

Affirmed & Reversed: 23

Other: 29

2005

TOTAL OPINIONS ISSUED: 349

DISPOSITION TYPE:

2008

TOTAL OPINIONS ISSUED: 465

DISPOSITION TYPE:

Affirmed: 324

Reversed: 69

Affirmed & Reversed: 38

Other: 34

**PRO SE CASELOAD REPORT**

2008 January - December

**A. PRO SE CASES:**

**1. Appeals**

- a. Civil: 79
- b. Criminal: 24

**2. Disciplinary Matters: 4**

**3. Original Proceedings: 77**

**TOTAL PRO SE FILINGS: 184**

**3. Percentage of Total**

- a. Pro Se as a percentage of Total Filings: **28.35%**  
(184 divided by 649)

**B. BREAKDOWN OF TYPES OF PRO SE FILERS:**

**1. a. Pro Se Inmate**

- 1. Civil Appeals: 18
- 2. Criminal Appeals: 11
- 3. Original Proceedings: 61

**TOTAL: 90**

**b. Percentage of Pro Se Inmate Filings**

- 1. Inmates as percentage of Total Pro Se: **48.91%**  
(90 divided by 184)
- 2. Inmates as percentage of Total Filings: **13.86%**  
(90 divided by 649)

**2. a. Non-Inmate Pro Se**

- 1. Civil Appeals: 61
- 2. Criminal Appeals: 13
- 3. Original Proceedings: 16
- 4. Disciplinary Matters: 4

**TOTAL: 94**

**b. Percentage of Non-Inmate Pro Se Filings**

- 1. Non-Inmate Pro Se as percentage of Total Pro Se: **51.08%**  
(94 divided by 184)
- 2. Non-Inmate Pro Se as percentage of Total Filings: **14.48%**  
(94 divided by 649)

**ORIGINAL PROCEEDINGS REPORT**

2008 January - December

**I. 2008 Total Disciplinary Cases Filed - 8**

Attorney Discipline:	7
Judge Discipline:	1

**II. 2008 Total Original Proceedings Filed - 135**

Certified Question:	2
Petitions for Writ:	131
Other:	29

**a. 2008 Petitions for Writ of Supervisory Control - 59**

Writ of Supervisory Control Denied:	42
Writ of Supervisory Control Granted:	9
Writ of Supervisory Control Dismissed:	0
Writ of Supervisory Control Other:	3
Writ of Supervisory Control Pending:	5

*(Pending as of December 31, 2008)*

**b. 2008 Petitions for Writ of Habeas Corpus - 52**

Writ of Habeas Corpus Denied:	31
Writ of Habeas Corpus Granted:	2
Writ of Habeas Corpus Dismissed:	3
Writ of Habeas Corpus Other:	1
Writ of Habeas Corpus Pending:	15

*(Pending as of December 31, 2008)*

## **2008 - MEDIATION CASES REPORT**

### **I. CATEGORIES:**

#### **1. DOMESTIC RELATIONS: 48**

Mediator appointed by:

Parties: 17

Clerk of Court: 31

Settled: 15

Not Settled: 23

#### **2. WORKERS' COMPENSATION: 19**

Mediator appointed by:

Parties: 7

Clerk of Court: 12

Settled: 5

Not Settled: 12

#### **3. MONEY JUDGMENTS: 137**

Mediator appointed by:

Parties: 61

Clerk of Court: 76

Settled: 23

Not Settled: 92

### **II. TOTALS:**

-Notices of Appeal received since **January 1, 2008: 506**

-Appeals sent to mediation since **January 1, 2008: 204**

-Cases settled since **January 1, 2008: 43**

-Cases not settled since **January 1, 2008: 127**

-Successfully mediated appeals since **January 1, 2008:**

a. Success percentage in relation to total notice of appeals filed: 8.50%

b. Success percentage in relation to total appeals subject to mediation: 21.07%

# OFFICE OF THE CLERK OF THE SUPREME COURT

## *SUPREME COURT CASELOAD STATISTICS 1972-2008\*\**

<u>Year</u>	<u>Case Filings</u>	<u>Averages &amp; Percentage of Increase/Decrease (1975-2005)</u>	
1972	230		
1973	244		
1974	266		
1975	301	1972-1975 = 260.25	-----
1976	409		
1977	470		
1978	518*		
1979	477		
1980	490	1976-1980 = 472.8	181% Increase
1981	574*		
1982	522		
1983	561		
1984	567		
1985	639*	1981-1985 = 572.6	21% Increase
1986	602		
1987	571		
1988	628		
1989	633		
1990	633	1986-1990 = 613.4	7% Increase
1991	636		
1992	627		
1993	659*		
1994	633		
1995	580	1991-1995 = 627	2% Increase
1996	731*		
1997	729		
1998	731		
1999	706		
2000	868*	1996-2000 = 753	20% Increase
2001	909*		
2002	798		
2003	860		
2004	882		
2005	738	2001-2005 = 837	11.2% Increase
2006	760		
2007	676		
2008	598	2006-2008 = 678	19% Decrease

\*Record-setting years for filings

\*\*Caseload numbers reflect original proceedings, attorney disciplinary proceedings, and direct appeals in which the briefing schedule initiated. Reported in this fashion, these numbers remain in concert with the numbers historically reported in this statistical overview.

Statistics compiled by the Office of the Clerk of the Supreme Court

# Five Year Supreme Court Caseload Comparison

